

Remarks

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

Claims 14 and 20 have been amended. Descriptive support for the amendments to claims 14 and 20 is provided at, *inter alia*, page 3, line 23 to page 4, line 3; and page 4, lines 13-25. New claim 21 has been introduced. Descriptive support for this new claim is provided in these same paragraphs as well as in Figure 1. Therefore, no new matter is introduced by these amendments.

Claims 1-3, 5-15, and 17-21 are pending, which includes a single excess independent claim. This submission is also accompanied by a petition for a three month extension of time. The \$220 fee for the extra independent claim and the \$1110 fee for the extension of time should be charged to deposit account 14-1138. Any overpayment can be credited and any underpayment charged to this same account.

The rejection of claim 14 under 35 U.S.C. § 112 (second paragraph) is overcome by the amendment to claim 14 and should be withdrawn.

The rejection of claims 1-3 and 5-12 under 35 U.S.C. § 103(a) for obviousness over U.S. Patent No. 6,910,068 to Zintel et al. ("Zintel") in view of U.S. Patent No. 7,062,437 to Kovales et al. ("Kovales") is respectfully traversed.

Zintel relates to a Plug and Play system in which a device sends an announce packet when it is connected to a network. As noted in applicants' prior submission, the announce packet does *not* contain information about the device and preferences. Instead, the packet may include a link or URL to an XML file that would allow the data to be formatted in an appropriate way for the device. Disadvantageously, as the packet does not contain the stylesheet information itself, data cannot be correctly formatted if the link is broken. In other words, the device format preference is only available after the network accesses the URL containing the XML file.

Kovales relates to a text-to-speech system in which the user specifies a stylesheet to be applied to text such that the speech is issued in accordance with the preferences defined in the stylesheet.

The U.S. Patent and Trademark Office ("PTO") asserts at pages 4-5 of the office action that Kovales discloses the automatic transmission of stylesheets to a repository to define format preferences for data returned from the repository. Applicants respectfully disagree.

Kovales only teaches that transmission of an identifier for the stylesheet is sent to the convertor, *not* the stylesheet itself. This interpretation is borne out by the very same passages cited by the PTO. Column 8, lines 56-60, of Kovales recites: "... [A]n *identifier* of the message creator may be used to access a directory or other repository in which preference information is stored." Thus, when text from a particular user is being converted to speech, the convertor may detect the identity of the user and apply a particular style from a repository that matches that identifier. This is very different from the claimed subject matter, which recites "sending a device format preference to said data repository in response to said connecting at a time the device is initially connected to the network..." and then "saving the device format preference with a network address of the device to be used as a device identifier by the data repository." Neither of Kovales and Zintel, nor the combination thereof, suggests this limitation of the claimed invention for the reasons noted above.

Moreover, it would not have been obvious, based on the combination of Kovales and Zintel, to send a device format preference to the data repository as recited in claim 1. Applying the teaching of Kovales in the context of the present invention would lead to the feature that when a device is connected to a network, only the identifier of that device will be transmitted such that appropriate formatting information can be retrieved from a repository. This is akin to retrieving information from the internet based on an identifying link, as described in Zintel. The formatting information itself is *not* transmitted by the device, which is in sharp contrast to the invention as presently claimed.

At column 10, lines 61-67, of Kovales, it is indicated that the user may have a default stylesheet stored in configuration information of his or her computer, where that configuration can be transmitted to the text convertor. As before, it is not the stylesheet itself that is transmitted, rather it is information relating to the stylesheet that is transmitted, i.e., a link. Consequently, it is the link that is stored in the configuration information rather than the stylesheet contents itself. Basis for this interpretation can be found at column 10, lines 58-59, of Kovales, which indicates that the described "implementation may perhaps allow the user to *identify* a stylesheet that is to be used for evaluating preference information." In other words, the user can identify a location for the same. Similarly, at column 11, lines 1-4, Kovales indicates that the stylesheet preference can be *identified* by speaking the name of the file in which the preference is stored. None of these approaches involves transmitting the stylesheet itself.

As such, Kovales adds no further relevant teaching to Zintel, and claim 1 is therefore novel and nonobvious over the combination of Zintel and Kovales. For these reasons, the rejection of claim 1-3 and 5-12 for obviousness over Zintel in view of Kovales is improper and should be withdrawn.

The rejection of claim 13 under 35 U.S.C. § 103(a) for obviousness over Zintel and Kovales, further in view of U.S. Patent Publ. 2003/0033607 to Schwalb (“Schwalb”) is respectfully traversed.

The PTO has cited to Schwalb at page 8 of the office action for teaching the provision of electronic program guide information through the use of XSL stylesheets. Even if, assuming *arguendo*, this is true, which applicants do not admit, then the PTO has failed to demonstrate how Schwalb overcomes the above-identified deficiencies of Zintel and Kovales with respect to claim 1. For this reason, the obviousness rejection of claim 13 over the combination of Zintel, Kovales, and Schwalb is improper and should be withdrawn.

The rejection of claims 14, 15, and 17-20 under 35 U.S.C. § 103(a) for obviousness over U.S. Patent No. 6,792,577 to Kimoto (“Kimoto”) in view of Zintel is respectfully traversed.

Kimoto teaches that XML can be formatted according to preferences defined by XSL (Col. 11, lines 34-41), but this is not *in response* to the device being connected to the network. Rather, the XML (which may include XSL) is transmitted alongside the content (Col. 15, lines 19-20 and 35-40). If the user wants to choose a different format, he does so once the XML and XSL have been received (Figure 9, Col. 14, lines 13-22). Similarly, if the XML transmitted includes an authorisation key (Col. 15, lines 21-40), then the style is only enabled once the user has made a purchase—i.e., after the XML and style have been downloaded. In both examples, however, the XML is pushed to the user; it is not sent in response to a device being connected to the network.

Zintel, as noted above, fails to overcome these deficiencies.

Thus, the combination of Kimoto and Zintel fails to teach or suggest the method of claim 14, which recites: “sending, in response to said connecting at a time the device is initially connected to the network or each time said device is connected to the network, an Extensible Stylesheet Language (XSL) stylesheet request for excerpted electronic programming guide (EPG) information, said stylesheet request including a device format preference from the device *which includes format information for specific data of a document...*” (emphasis added).

Failing to teach the sending of a request that includes such a device format preference as recited in claim 14, the combination of Kimoto and Zintel would not have rendered obvious the subject of claim 14 or claim 15 dependent thereon.

Similarly, the system as presently claimed recites the presence of a device that is “connected to the network and ha[s] a data format preference, *said data format preference including format information for specific data*” and “a data packet containing a request for specific information, said data packet specifying said data format preference and specific data of a document compatible with needs and capabilities of the device, wherein said data packet *is prepared by the device and transmitted over the network to said data repository*, said network being configured for using said data format preference in preparing the specific information for transmission to said device from said data repository, wherein the specific information requested is electronic programming guide information” (emphasis added). Thus, the recited data format preference is provided directly by the user’s device as opposed to the above-noted approaches described in Kimoto and Zintel. Because the combination of Kimoto and Zintel is deficient in this regard, and the PTO has failed to demonstrate how the prior art teaches or suggests this limitation of the claimed invention, the obviousness rejection of claims 17-20 over Kimoto and Zintel is also improper.

For all these reasons, the rejection of claims 14, 15, and 17-20 for obviousness over Kimoto in view of Zintel is improper and should be withdrawn.

New claim 21, presented herein, is also allowable for substantially the same reasons noted above. None of the cited art teaches or suggests a device that has “a data format preference including format information for specific data” and includes “a data packet ... *preparable by the device which is transmissible over the network to said data repository*”, where that data packet “contain[s] a request for specific information and said data format preference, and identify[ies] specific data of a document compatible with needs and capabilities of the device; wherein the specific information requested is electronic programming guide information which is receivable by the device from said data repository in accordance with the data format preference.” As noted above, the devices described in Kimoto, Zintel, and Kovals simply involve the use of links or identifiers to indicate where the device format information can be retrieved by a system rather than the use of a data packet as recited.

In view of all of the foregoing, applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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/Edwin V. Merkel/
Edwin V. Merkel
Registration No. 40,087

NIXON PEABODY LLP
1100 Clinton Square
Rochester, New York 14604-1792
Telephone: (585) 263-1128
Facsimile: (585) 263-1600